WTO Trade Facilitation Agreement
TFA Transparency Provisions
Section I
Articles 1-5 - Transparency Provisions

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ARTICLE 1.1: PUBLICATION AND AVAILABILITY OF INFORMATION

Each Member shall promptly publish in a non-discriminatory and easily accessible manner to enable interested parties to become acquainted:

(a) import, export, and transit procedures, and required forms and documents;
(b) fees and charges;
(c) import, export or transit restrictions or prohibitions;
(g) penalty provisions for breaches of import, export, or transit formalities;
(h) procedures for appeal or review;
(i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit.
ARTICLE 1.2 INFORMATION AVAILABLE THROUGH INTERNET

2.1
Each Member shall publish on internet:
(a) a description of practical steps for import, export, transit procedures & appeals/review;
(b) required forms & documents
(c) enquiry point(s) contact information

2.2
When practicable, description in an official WTO language

2.3
Members are encouraged to publish on internet the information in Article 1.1.
3.1 Each Member shall, within available resources, maintain one or more enquiry points to answer reasonable enquiries on matters covered by para. 1.1 and provide forms and documents referred to in para 1.1(a).

3.2 Regional enquiry points are ok.

3.3 Members are encouraged not charge fees. If so – limited to cost of services rendered.

3.4 The enquiry points shall answer enquiries within a reasonable time period.
OPPORTUNITY TO COMMENT AND INFORMATION BEFORE ENTRY INTO FORCE

- Provide opportunity for traders/interested parties to comment on proposed new or amendment of laws and regulations related to the movement, release, and clearance of goods.

- new/amended laws and regulations ... published as early as possible before entry into force to allow interested parties to become acquainted.
Each Member shall, as appropriate, provide for regular consultations between border agencies and traders/stakeholders located within its territory.
ARTICLE 4: PROCEDURES FOR APPEAL OR REVIEW

- Customs shall provide administrative and/or judicial appeal
- Carried out in non-discriminatory manner
- Provide reasons for administrative decisions to enable appeal
- Appeals within specified time periods without undue delay
  - if not then right to further appeal

Encourages same provisions to apply to administrative decisions issued by other border agencies
ARTICLE 5.1 Notifications for enhanced controls or inspections

Where a Member has a system of notifications to border authorities to enhance controls & inspections of foods, beverages, or feedstuffs the following disciplines shall apply:

• based on risk
• uniformly applied
• termination prompt & published
A Member shall promptly inform the carrier or importer when goods are detained for inspection by customs or any other competent authority.
3.1 A Member may, upon request, allow a second test when first test shows an adverse finding.

3.2 A Member shall publish or inform importers the laboratory(s) where 2nd test can be carried out.

3.3 Shall consider the result of the second test.
ARTICLE 7.6   ESTABLISHMENT AND PUBLICATION OF AVERAGE RELEASE TIMES

6.1 Members are encouraged to measure and publish their average release time of goods periodically and in a consistent manner.

6.2 Members are encouraged to share their experiences with the Committee.

Each Member may determine the scope and methodology in accordance with its needs and capacity.
Transparency Notifications

Article 1.4:
- The official place(s) for publication
- Uniform resource locators of website(s)
- The contact information of the enquiry points

Article 10:
- 10.4.3 Details of operation of the single window
- 10.6.2 Measures on the use of customs brokers

Article 12:
- 12.2.2 Customs cooperation - contact point for information exchange

Due once implementing the provision
Fee$ and Charges

**Article 6 - Fees and Charges**

Publish:
- Fees and charges applied
- Reason for fees
- Responsible authority
- When/how payment made

- Adequate time between publication & application of new fees
- Periodically review to reduce number and diversity.

**Article 11 – Freedom of Transit**

Traffic in transit charges only:
- for transportation
- administrative expenses
- for cost of services rendered

- No customs charges while goods are in transit
- Members urged to coordinate on transit charges
Thank you!

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